

FOURTEENTH DAY
(Wednesday, August 2, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Moore, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Longoria, Mauzy, Mengden, Ogg.

A quorum was announced present.

The Reverend J. L. Houston, Simpson Methodist Church, Austin, offered the invocation as follows:

O Thou who dost govern the world in Righteousness, and Judgements, are true and Righteous. Grant, we beseech Thee, that those who rule over us and who legislate for us may be of one mind to establish justice and promote the welfare of all our people. Endow all Members of this Senate with a right understanding, pure purposes and sound speech. Enable them, O Lord to rise above self-seeking and party zeal to the nobler concerns of public good and human brotherhood. Cleanse us O God from all evil and subdue in our nation that which is good and make us a disciplined and devoted people, that we may do Thy will on earth as it is done in Heaven. Through our Lord Christ Jesus, Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Mengden was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator McKnight.

MESSAGE FROM THE HOUSE

House Chamber
August 2, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 5, Granting Rucker Construction Company, Inc. permission to sue the State of Texas.

S.C.R. 10, Granting Nueces County Navigation District No. 1 and Champlin Petroleum Company permission to sue the State of Texas.

H.C.R. 8, Granting permission to Russell K. Carr and Vera M. Carr to sue the state.

H.C.R. 11, Granting permission to Charles Edwards to sue the state.

H.C.R. 15, Granting permission to Canyon Creek Properties to sue the state.

H.C.R. 6, Expressing appreciation to Los Grenaderos de Galvez.

S.C.R. 3, Granting Bertha Street, E. Bruce Street, M. Boyd Street, and Talus, Inc. permission to sue the State of Texas.

S.C.R. 2, Authorizing the placement of a portrait of Governor Dolph Briscoe in the rotunda of the Texas Capitol along with those of previous Texas governors.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 10

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave notice that he would move for an Executive Session of the Senate tomorrow at the conclusion of Morning Call.

SENATE CONCURRENT RESOLUTION 13

Senator Hance offered the following resolution:

S.C.R. 13, Suspending rules of the House and Senate to permit the conference committee appointed on **H.B. 1** to include certain matters in their consideration.

The resolution was read.

On motion of Senator Hance and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time and referred to the Committee indicated:

S.C.R. 14 by Traeger Administration
Granting Delta Electric Construction Company, Inc., permission to sue the State of Texas.

HOUSE CONCURRENT RESOLUTION 6

The President laid before the Senate:

H.C.R. 6, Expressing appreciation to Los Grenaderos de Galvez.

The resolution was read.

On motion of Senator Santiesteban and by unanimous consent, the resolution was considered immediately and was adopted.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given notice on yesterday).

Senator Truan moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 9, Nays 17.

Yeas: Aikin, Braecklein, Brooks, Doggett, Jones of Harris, Moore, Parker, Patman, Truan.

Nays: Andujar, Blake, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Price, Santiesteban, Snelson, Traeger, Williams.

Absent: Schwartz.

Absent-excused: Longoria, Mauzy, Mengden, Ogg.

Accordingly, the President at 10:45 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 10:59 o'clock a.m. today.

HOUSE RESOLUTIONS ON FIRST READING

The following resolutions received from the House, were read the first time and referred to the Committee indicated:

H.C.R. 8, To Committee on Administration.

H.C.R. 11, To Committee on Administration.

H.C.R. 15, To Committee on Administration.

CONFIRMATION OF NOMINEES

Senator McKnight moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

Senator Doggett moved that the nomination of Hugh Yantis to be Chairman of the State Board of Insurance be severed from the list of nominees.

Senator Schwartz moved that the nomination of Dorsey Hardeman to be a Member of the Texas Water Commission be severed from the list of nominees.

The requests to sever were granted.

Senator McKnight moved that the remaining nominees be confirmed.

The following nominees were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Mauzy, Mengden, Ogg.

NOMINEES CONFIRMED

To be a Member of the GOOD NEIGHBOR COMMISSION: ARNALDO RAMIREZ, SR., Hidalgo County.

To be Members of the TEXAS YOUTH COUNCIL: RUBEN SCHAEFFER, El Paso County; DON R. WORKMAN, Lubbock County.

To be Members of the STATE BOARD OF DENTAL EXAMINERS: DR. DONALD L. BRUNSON, Harris County; DR. WILLIAM J. KEMP, Haskell County, DR. JAMES S. ROGERS, Potter County.

To be Commissioner of the TEXAS DEPARTMENT OF HUMAN RESOURCES: JEROME D. CHAPMAN, Travis County.

To be a Member of the PUBLIC SAFETY COMMISSION: CHARLES D. NASH, Travis County.

To be SAVINGS AND LOAN COMMISSIONER OF TEXAS: L. ALVIS VANDYGRIFF, Travis County.

To be Members of the STATE BOARD OF CONTROL: CHARLES S. COATES, SR., Washington County; A. SAM WALDROP, Taylor County.

To be a Member of the INDUSTRIAL COMMISSION: JACKIE W. ST. CLAIR, Williamson County.

To be a Member of the STATE SECURITIES BOARD: W. GROGAN LORD, Williamson County.

To be a Member of the BOARD OF PARDONS AND PAROLES: MS. CONNIE L. JACKSON, Dallas County.

To be a Member of the STATE BOARD OF BARBER EXAMINERS: MRS. HELEN SPEARS, Dallas County.

To be Members of the GREATER SOUTH TEXAS CULTURAL BASIN COMMISSION: GERALD R. BROWN, Dallas County; BEN T. HANEY, Dallas County.

To be ASSOCIATE JUSTICE, SUPREME COURT: T.C. CHADICK, Bowie County.

To be Members of the TEXAS WORK FURLOUGH PROGRAM ADVISORY BOARD: WILLIAM T. SLATON, SR., Dallas County; FRED L. BLAIR, SR., Dallas County.

To be a Member of the ADVISORY COUNCIL FOR TECHNICAL-VOCATIONAL EDUCATION: C. C. (BILL) ELKINS, Dallas County.

To be a Member of the OCCUPATIONAL SAFETY BOARD: HENRY C. WENDLER, Dallas County.

To be a Member of the DISTRICT REVIEW COMMITTEE: DR. PHILLIP E. WILLIAMS, JR., Dallas County.

To be a Member of the GOVERNOR'S COMMISSION ON PHYSICAL FITNESS: DR. KENNETH H. COOPER, Dallas County.

To be a Member of the STATEWIDE HEALTH COORDINATING COUNCIL: MRS. RUTHMARY T. WHITE, Dallas County.

To be a Member of the FAMILY PRACTICE RESIDENCY BOARD: DR. EXALTON A. DELCO, JR., Travis County.

To be a Member of the BOARD OF REGENTS, TEXAS WOMAN'S UNIVERSITY: MRS. MARCELLA PERRY, Harris County.

To be JUDGE OF THE 303RD JUDICIAL DISTRICT: DAN GIBBS, Dallas County.

To be JUDGE OF THE 330TH JUDICIAL DISTRICT: PERRY OSWIN CHRISMAN, Dallas County.

To be JUDGE OF THE 254TH JUDICIAL DISTRICT: GEORGE MARTINEZ, Dallas County.

To be JUDGE OF THE 301ST JUDICIAL DISTRICT: ANNETTE STEWART, Dallas County.

To be JUDGE OF THE 318TH JUDICIAL DISTRICT: JOSEPH H. MIMS, Midland County.

To be JUDGE OF THE 103RD JUDICIAL DISTRICT: RAUL A. GONZALEZ, Cameron County.

To be JUDGE OF THE 27TH JUDICIAL DISTRICT: CHURCHELL W. DUNCAN, Bell County.

To be CRIMINAL DISTRICT ATTORNEY FOR BASTROP COUNTY:
ALBERT (NEAL) PFEIFFER, Bastrop County.

To be a Member of the STATE BOARD OF INSURANCE: DURWOOD
MANFORD, JR., Gonzales County.

SENATOR ANNOUNCED PRESENT

Senator Mengden who had previously been recorded as "Absent-excused" was announced "Present".

Senator Doggett moved that the nomination of Mr. Yantis be recommitted to the Subcommittee on Nominations.

The motion was lost by the following vote (Not receiving a majority of the Members of the Senate): Yeas 15, Nays 13.

Yeas: Aikin, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Parker, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Andujar, Blake, Braecklein, Creighton, Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Patman, Price, Snelson.

Absent-excused: Longoria, Mauzy, Ogg.

Senator McKnight moved that Mr. Yantis be confirmed as Chairman of the State Board of Insurance.

The motion was lost by the following vote: Yeas 1, Nays 27.

Yeas: Moore.

Nays: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Longoria, Mauzy, Ogg.

Senator McKnight moved that Mr. Hardeman be confirmed as a Member of the Texas Water Commission.

Mr. Hardeman was confirmed by the following vote: Yeas 23, Nays 5.

Yeas: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Mengden, Moore, Parker, Patman, Price, Santiesteban, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Meier, Schwartz, Truan.

Absent-excused: Longoria, Mauzy, Ogg.

MESSAGE FROM THE HOUSE

House Chamber
August 2, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. No. 7, Directing The University of Texas and Texas A&M University to conduct research as provided by Public Law 95-87, 30 U.S.C. 1221 et seq. (With amendments)

S.C.R. 12, Authorizing the transfer of Senator A. M. Aikin's Gunlocke Executive Chair to Paris Junior College.

H.C.R. 17, Granting Delta Electric Construction Company permission to sue the State.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.C.R. 17, To Committee on Administration.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones of Harris and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider the following:

H.C.R. 8
H.C.R. 11
H.C.R. 15
H.C.R. 17
S.C.R. 14

SENATE CONCURRENT RESOLUTION 7 WITH HOUSE AMENDMENTS

Senator Moore called **S.C.R. 7** from the President's table for consideration of the House amendments to the bill.

The President laid the resolution and the House amendments before the Senate.

Amendment No. 1

Amend **S.C.R. 7** by

1. substituting the following for lines 11-15:

WHEREAS, The Texas A&M University System conducts substantial instruction and research in mining and mineral extraction; and

2. deleting the word "most" on line 19.

3. striking the words on lines 24 through 27 and substituting the following:

Session, hereby designate The Texas A&M System to participate in the mining and mineral resources research institute program authorized by the Surface Mining Control and Reclamation Act of 1977; and be it further

RESOLVED, That the Texas A&M System make all reasonable and diligent efforts to involve the students, faculty and facilities of its component institution, Prairie View A&M University, in this research program on a full partnership basis to achieve the maximum benefits from this program for the state and that the University of Texas System take steps of the same nature to include its component institutions in this research program; and, be it further

SUBSTITUTE AMENDMENT TO COMMITTEE AMENDMENT NO. 1

Strike Committee Amendment No. 1 in its entirety. Amend S.C.R. No. 7 by substituting the following for lines 22 through 27 on page 1 and 1 through 3 on page 2.

WHEREAS, The University of Texas at Austin was on August 8, 1977, designated by Governor Dolph Briscoe as the public university in Texas to establish the State Mining and Mineral Resource and Research Institute to receive funds authorized under Title III of the Surface Mining Control and Reclamation Act of 1977; now, therefore be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 65th Legislature, 2nd Called Session, hereby designate The University of Texas at Austin to participate in the mining and mineral resources research institute program authorized by the Surface Mining Control and Reclamation Act of 1977; and be it further

RESOLVED That The University of Texas System develop a cooperative agreement with The Texas A&M University System, including Prairie View A&M, so that the institutions can use their excellent research and teaching resources in solving the major mining and mineral extraction problems in a full partnership basis to achieve the maximum benefits from this program for the state; and be it further

RESOLVED That a copy of the cooperative agreement be provided to the Economic Development Committee of the Senate and the Energy Committee of the House of Representatives.

The amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolutions.

The motion prevailed.

MEMORIAL RESOLUTION

S.R. 118 - By Snelson: Memorial resolution for Dr. John LeRoy Waller.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 117 - By Doggett: Extending welcome to Reverend J. L. Houston.

S.R. 119 - By Parker: Extending congratulations to Michael D. Murphy and Miss Lou Miller.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(August 2, 1978)

S.B. 10

FIFTEENTH DAY

(Thursday, August 3, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Mauzy, Ogg, Santiesteban.

A quorum was announced present.

The Reverend Walter Matthews, Associate Minister, First Baptist Church, Austin, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.